

# Exhibit 2

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

<p>MATTHEW KOTILA and ROBERT CRAUN, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>CHARTER FINANCIAL PUBLISHING NETWORK, INC.,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 2:22-CV-00704-HYJ-RSK</p> <p>Hon. Hala Y. Jarbou</p> <p>Mag. Judge Ray S. Kent</p>
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**DECLARATION OF PHILIP L. FRAIETTA  
IN SUPPORT OF PLAINTIFFS' MOTION FOR  
DEFENDANT TO BE HELD IN CIVIL CONTEMPT**

I, Philip L. Fraietta, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a partner at Bursor & Fisher, P.A., and one of Class Counsel in this action. I am an attorney at law licensed to practice in the States of Michigan, New York, New Jersey, California, and Illinois, and I am a member of the bar of this Court. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would testify competently thereto.

2. I make this declaration in support of Plaintiffs' Motion for Civil Contempt, filed herewith.

3. A true and correct copy of an email exchange between Class Counsel and Defendant's Counsel is attached hereto as **Exhibit A**.

I declare under penalty of perjury that the above and foregoing is true and accurate.

Executed this 4th day of December 2024 at New York, New York.

/s Philip L. Fraietta

Philip L. Fraietta

# **Exhibit A (to Exhibit 2)**

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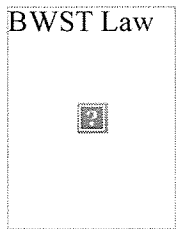
From: **T.L. Summerville** <[Summerville@bwst-law.com](mailto:Summerville@bwst-law.com)>  
Date: Wed, Dec 4, 2024 at 9:22 AM  
Subject: RE: Kotila v. CFPN  
To: Phil Fraietta <[pfraietta@bursor.com](mailto:pfraietta@bursor.com)>, Frank Hedin <[fhedin@hedinllp.com](mailto:fhedin@hedinllp.com)>  
Cc: Joseph Marchese <[jmarchese@bursor.com](mailto:jmarchese@bursor.com)>, E. Powell Miller <[epm@millerlawpc.com](mailto:epm@millerlawpc.com)>

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Phil: I'm not in a position to your proposal. If that changes, I'll advise.

**TLS**

*Admitted in Michigan and New York*



**T.L. Summerville**  
BROOKS WILKINS SHARKEY & TURCO PLLC  
T: 248-971-1719 | C: 248-915-0862  
E: [summerville@bwst-law.com](mailto:summerville@bwst-law.com) | W: [bwst-law.com](http://bwst-law.com)  
401 South Old Woodward, Suite 400  
Birmingham, Michigan 48009

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**From:** Phil Fraietta <[pfraietta@bursor.com](mailto:pfraietta@bursor.com)>  
**Sent:** Wednesday, December 4, 2024 8:33 AM  
**To:** Frank Hedin <[fhedin@hedinllp.com](mailto:fhedin@hedinllp.com)>  
**Cc:** T.L. Summerville <[Summerville@bwst-law.com](mailto:Summerville@bwst-law.com)>; Joseph Marchese <[jmarchese@bursor.com](mailto:jmarchese@bursor.com)>; E. Powell Miller <[epm@millerlawpc.com](mailto:epm@millerlawpc.com)>  
**Subject:** Re: Kotila v. CFPN

[NOTE: EXTERNAL SENDER]

T.L.,

Is this proposal agreeable to you and your client? Please let us know as we need to respond to the Court's inquiry. Additionally, we intend to file a motion for civil contempt today if we cannot come to an agreement.

Best,

Phil

On Tue, Dec 3, 2024 at 3:29 PM Frank Hedin <[fhedin@hedinllp.com](mailto:fhedin@hedinllp.com)> wrote:

T.L.:

Because the Court needs to approve any extension, we will agree to enter into and file a stipulation extending the deadline to 12/13, provided that you withdraw your motion to withdraw as counsel (without prejudice, and without leave to refile after payment is made by defendant) so that we can continue to have a line of communication with the defendant.

Frank

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**From:** T.L. Summerville <[Summerville@bwst-law.com](mailto:Summerville@bwst-law.com)>

**Date:** Tuesday, December 3, 2024 at 2:57 PM

**To:** Phil Fraietta <[pfraietta@bursor.com](mailto:pfraietta@bursor.com)>, Joseph Marchese <[jmarchese@bursor.com](mailto:jmarchese@bursor.com)>, Frank Hedin <[fhedin@hedinllp.com](mailto:fhedin@hedinllp.com)>, E. Powell Miller <[epm@millerlawpc.com](mailto:epm@millerlawpc.com)>

**Subject:** RE: Kotila v. CFPN

Phil, Joe, Frank, and Powell:

I received a call from CFPN today asking that I pass along a request that they be given until Friday, December 13, 2024, to fund the settlement. Please advise.

TLS

*Admitted in Michigan and New York*

BWST Law



**T.L. Summerville**

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**From:** Phil Fraietta <[pfraietta@bursor.com](mailto:pfraietta@bursor.com)>

**Sent:** Wednesday, November 27, 2024 2:35 PM

**To:** T.L. Summerville <[Summerville@bwst-law.com](mailto:Summerville@bwst-law.com)>

**Cc:** Joseph Marchese <[jmarchese@bursor.com](mailto:jmarchese@bursor.com)>; Frank Hedin <[fhedin@hedinllp.com](mailto:fhedin@hedinllp.com)>;

E. Powell Miller <[epm@millerlawpc.com](mailto:epm@millerlawpc.com)>

**Subject:** Re: Kotila v. CFPN

[NOTE: EXTERNAL SENDER]

T.L.,

Thank you for letting us know. Unfortunately, we will have to oppose your request to withdraw without substitute counsel as we believe it will prejudice the class to not have defendant represented by counsel to oversee payment and other settlement administration issues. Additionally, as you know, a corporation cannot proceed pro se. Please note our opposition in your motion.

Best,

Phil

Philip L. Fraietta

Bursor & Fisher, P.A.

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New York, NY 10019

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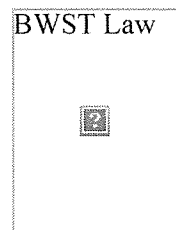
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On Wed, Nov 27, 2024 at 2:20 PM T.L. Summerville <[Summerville@bwst-law.com](mailto:Summerville@bwst-law.com)> wrote:

Phil: We no longer represent CFPN. Please consider this email a request for concurrence with a motion to withdraw as counsel. Thanks.

TLS

*Admitted in Michigan and New York*



**T.L. Summerville**

BROOKS WILKINS SHARKEY & TURCO PLLC

T: [248-971-1719](tel:248-971-1719) | C: [248-915-0862](tel:248-915-0862)

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[401 South Old Woodward, Suite 400](#)  
[Birmingham, Michigan 48009](#)

**From:** Phil Fraietta <[pfraietta@bursor.com](mailto:pfraietta@bursor.com)>

**Sent:** Wednesday, November 27, 2024 1:04 PM

**To:** T.L. Summerville <[Summerville@bwst-law.com](mailto:Summerville@bwst-law.com)>

**Cc:** Joseph Marchese <[jmarchese@bursor.com](mailto:jmarchese@bursor.com)>; Frank Hedin  
<[fhedin@hedinllp.com](mailto:fhedin@hedinllp.com)>; E. Powell Miller <[epm@millerlawpc.com](mailto:epm@millerlawpc.com)>

**Subject:** Re: Kotila v. CFPN



[NOTE: EXTERNAL SENDER]

T.L.,

I am following up on this. Can you please confirm that your client will fund the settlement on December 2 as ordered by the Court? Please note that if your client fails to fund the settlement on December 2 we will promptly seek court intervention.

Regards,

Phil

On Tue, Nov 26, 2024 at 11:29 AM Phil Fraietta  
<[pfraietta@bursor.com](mailto:pfraietta@bursor.com)> wrote:

T.L.,

I hope you are well. Can you please confirm that the settlement will be funded on or before December 2 as ordered by the Court?

Thanks,

Phil

--

Philip L. Fraietta

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